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OF COUNSEL
MICHAEL A. POLLACK (WI)

Via FedEx

September 22, 2011

Mary Chase
Re: CVLO filing
U.S. District Courthouse
Eastern District of Pennsylvania
Clerk's Office
Room 2609, 601 Market Street
Philadelphia, Pennsylvania 19106

RE: MDL-875 Cascino Vaughan Law Office Cases on attached Exhibit A (Top 9 cases, CVLO-1 and CVLO-2)

Dear Ms. Chase:

Pursuant to the enclosed 8/16/2011 order of Judge Strawbridge, enclosed for filing on behalf of the plaintiffs listed in the attached Exhibit A are the following:

1. Plaintiffs' Motion and Memorandum for Leave to Take the Deposition of Art Kleinrath
2. Proposed Order

Also included is a CD with PDF copies of same. This motion is being filed on behalf of attorney Robert McCoy.

Thank you for your attention to this matter.

Regards,



Tucker Eads
Legal Assistant
beads@cvlo.com

Enclosure

cc by email:

Allen Vaughan

Michael Cascino

Robert McCoy

Joel Lang

Lauren A. Fine

All defense counsel

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

| | | |
|---|---|--------------------|
| IN RE: ASBESTOS PRODUCTS | : | Consolidated Under |
| LIABILITY LITIGATION (No. VI) | : | MDL DOCKET NO. 875 |
| | : | |
| | : | |
| Cases in which Plaintiff is represented | : | |
| by Cascino Vaughan Law Offices | : | |
| | : | |

ORDER

And now, this **16th** day of **August 2011**, it having been determined that the volume of filings to be done in the cases represented by Cascino Vaughan Law Offices has proven a burden to all parties involved and can be facilitated more efficiently by the Eastern District of Pennsylvania Clerk's Office it is hereby **ORDERED** that the following procedures apply for the filing of all motions or pleadings that apply identically to 10 (ten) cases and over.¹

Counsel shall send: (1) an original signed copy of the document and any exhibits; (2) a cover letter listing the attorney filing the motion, the parties on whose behalf the document is being filed, and the case numbers to which the document applies; and (3) a disk containing the document and any exhibits in PDF form² to:

¹ Counsel are responsible for filing all pleadings and motions that apply to under ten (10) cases on the docket. Please note that this Order applies only to motions that will be identical on each individual docket.

² Each PDF file shall not to exceed 5MB and the file name for each file shall identify the moving party, the name of the motion and, if an exhibit, the exhibit number (i.e. ABC Corp Motion to Dismiss Ex A.pdf

Mary Chase³
Re: CVLO filing
U.S. District Court
Eastern District of Pennsylvania
Clerk's Office
Room 2609, 601 Market Street
Philadelphia, PA 19106

At the same time, counsel shall send a courtesy copy of the document(s) to
chambers_of_judge_strawbridge@paed.uscourts.gov

It is further **ORDERED** that if the filing attorney has not yet made an appearance on a
civil action, the Clerk's Office will note the attorney's appearance from the document being filed
and a separate Notice of Appearance will not be required.

It is further **ORDERED** that nothing in this Order relieves any counsel of the duty to
comply with MDL 875 Pro Hac Vice Procedures pursuant to Administrative Order No. 23, which
requires all counsel to be registered on ECF.⁴

BY THE COURT:

/s/ David R. Strawbridge
DAVID R. STRAWBRIDGE
UNITED STATES MAGISTRATE JUDGE

³ Mary Chase (267-299-7012)

⁴ Available at: <http://www.paed.uscourts.gov/mdl875d.asp>.

EXHIBIT A

| Last Name | First Name | PA-ED Case # |
|--------------|------------|--------------|
| Aberle | Glenn | 08-CV-91650 |
| Alsene | Delmar | 08-CV-92187 |
| Anuszkiewicz | Roman | 08-CV-90938 |
| Ayers | Mark | 08-CV-91953 |
| Bark | James | 10-CV-64542 |
| Barnett | Roscoe | 10-CV-68919 |
| Bault | Charles | 08-CV-91663 |
| Beach | Laundy | 10-CV-68142 |
| Beddow | Merle | 08-CV-92239 |
| Beeney | Donald | 08-CV-91728 |
| Bell | Orville | 08-CV-92260 |
| Bement | James | 10-CV-67615 |
| Bennett | Bob | 08-CV-91585 |
| Bennett | Clifford | 08-CV-90082 |
| Bennett | Jack | 10-CV-68968 |
| Black | John | 10-CV-68110 |
| Bodine | Richard | 08-CV-92055 |
| Branchfield | Del | 08-CV-91587 |
| Breeding | Richard | 08-CV-90273 |
| Brooks | Ray | 08-CV-92194 |
| Brown | Carl | 10-CV-68436 |
| Brownlee | Theodore | 08-CV-91954 |
| Buchanan | Michael | 10-CV-68074 |
| Bugg | William | 08-CV-91729 |
| Burton | Alice | 08-CV-92139 |
| Burton | William | 08-CV-92309 |
| Castros | Arol | 08-CV-91760 |
| Centers | Albert | 08-CV-90268 |
| Chavez | Richard | 08-CV-90342 |
| Cohen | Ronald | 09-CV-64755 |
| Cox | Charles | 08-CV-91866 |
| Cox | Donald | 08-CV-92244 |
| Craddock | John | 10-CV-68114 |
| Crain | Paul | 08-CV-89841 |
| Craven | John | 10-CV-67678 |
| Cripe | George | 08-CV-91940 |
| Cromwell | Joseph | 08-CV-92301 |
| Cummings | Ronald | 10-CV-68902 |
| Dalton | Jack | 08-CV-91944 |
| Darling | William | 08-CV-92236 |

| | | |
|----------|---------|-------------|
| Davis | Edgar | 08-CV-92201 |
| Deaville | Kenneth | 08-CV-92064 |
| Delks | Carol | 08-CV-88681 |
| Deters | Cletus | 10-CV-64585 |
| Dodd | Carl | 08-CV-91578 |
| Dover | Jackie | 10-CV-68127 |
| Dual | Monte | 08-CV-92314 |
| Dubois | Charles | 08-CV-92119 |
| Ebert | Michael | 08-CV-89432 |
| Edbrooke | Richard | 08-CV-92254 |
| Edwards | Terry | 08-CV-92137 |
| Endsley | Robert | 08-CV-92025 |
| Estock | Robert | 08-CV-92026 |
| Fadler | Donald | 08-CV-90220 |
| Fields | William | 10-CV-68082 |
| Fisher | Pascal | 08-CV-92173 |
| Fonner | Larry | 08-CV-92222 |
| Fraboni | Louis | 08-CV-91671 |
| Frampton | Kenneth | 08-CV-92160 |
| Gabbard | Ben | 08-CV-92151 |
| Gabbard | Robert | 08-CV-92145 |
| Gaines | James | 08-CV-92305 |
| Gard | Leslie | 08-CV-91736 |
| Gard | Robert | 10-CV-67613 |
| Garecht | Robert | 08-CV-92134 |
| Geiger | Gerald | 08-CV-91676 |
| Giuliano | William | 09-CV-64609 |
| Goetsch | Randall | 08-CV-91673 |
| Graves | William | 08-CV-92120 |
| Green | Robert | 08-CV-92311 |
| Grier | David | 08-CV-91657 |
| Grier | John | 08-CV-91687 |
| Hamann | Kenneth | 08-CV-92181 |
| Harris | Robert | 08-CV-91589 |
| Harrison | Hollis | 08-CV-92141 |
| Hart | Andrew | 08-CV-91674 |
| Hatfield | Bobby | 08-CV-92147 |
| Helfers | Carl | 08-CV-92196 |
| Helton | Burl | 09-CV-61719 |
| Henney | Jean | 09-CV-64629 |
| Hess | Roy | 08-CV-92180 |
| Hill | John | 10-CV-64557 |
| Hockings | Daniel | 08-CV-89796 |

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|-------------|---------|-------------|
| Holden | Michael | 08-CV-92154 |
| Horn | Richard | 10-CV-68096 |
| Hoskins | Adam | 08-CV-89474 |
| Hubert | William | 08-CV-92068 |
| Hulmes | Darrell | 08-CV-92135 |
| Hutchinson | Jack | 08-CV-92157 |
| Hyland | Gerald | 08-CV-91862 |
| Irons | Gary | 10-CV-68130 |
| Jackson | William | 08-CV-92189 |
| Jacobs | Larry | 10-CV-68100 |
| Janko | Albert | 08-CV-91675 |
| Jennings | Billy | 08-CV-91757 |
| Jindressek | Walter | 08-CV-91858 |
| Johnson | Dorothy | 08-CV-91691 |
| Johnson | Leo | 08-CV-91661 |
| Johnson | Richard | 08-CV-92122 |
| Kelly | Robert | 08-CV-91696 |
| Kennedy | Roy | 08-CV-89492 |
| Kittleson | Alfred | 08-CV-91887 |
| Knapp | Jimmy | 08-CV-91763 |
| Kruse | Patrick | 08-CV-91867 |
| La Hood | Harry | 10-CV-68131 |
| Lawless | Anthony | 08-CV-92161 |
| Liston | Frank | 11-CV-66749 |
| Lorentz | Eugene | 10-CV-61348 |
| Lower | Garry | 10-CV-68129 |
| Manderino | Joseph | 09-CV-60695 |
| Marcogliese | Frank | 08-CV-89497 |
| Maresca | Joseph | 08-CV-90328 |
| Martin | David | 10-CV-61109 |
| Matheney | Roy | 08-CV-91955 |
| Maulding | Duane | 08-CV-92113 |
| May | Dale | 08-CV-92116 |
| Mayer | Louis | 10-CV-68227 |
| McMahill | Clair | 10-CV-68126 |
| Meischner | Donald | 09-CV-60645 |
| Meischner | Gisela | 08-CV-92192 |
| Meischner | Leonard | 08-CV-91758 |
| Meischner | Richard | 09-CV-60648 |
| Millard | Eugene | 10-CV-68119 |
| Minor | John | 08-CV-91969 |
| Moore | George | 08-CV-91869 |
| Morr | Lee | 08-CV-92152 |

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|-----------|---------|-------------|
| Morris | David | 08-CV-92162 |
| Morthole | Edward | 08-CV-91868 |
| Morton | Kenneth | 08-CV-92253 |
| Nail | Clyde | 08-CV-90084 |
| Nelms | Kenneth | 08-CV-91666 |
| Nichols | Gerald | 10-CV-68097 |
| Nichols | Leonard | 10-CV-68105 |
| O'Boyle | Darrell | 10-CV-68087 |
| O'Keefe | Robert | 08-CV-92210 |
| Palsgrove | Joseph | 08-CV-89373 |
| Peterson | Robert | 08-CV-92040 |
| Peterson | William | 08-CV-92224 |
| Phares | Millard | 10-CV-68866 |
| Phipps | Paul | 08-CV-92220 |
| Pierce | James | 10-CV-68094 |
| Pittman | Frank | 08-CV-89441 |
| Plue | Alvin | 08-CV-91596 |
| Plue | Richard | 10-CV-68073 |
| Poe | Richard | 10-CV-68107 |
| Potts | Stanley | 08-CV-91872 |
| Powell | Dale | 08-CV-82923 |
| Powell | John | 08-CV-92012 |
| Powell | Thomas | 08-CV-91885 |
| Prather | James | 08-CV-89745 |
| Rasner | Donald | 08-CV-92143 |
| Reed | Odell | 10-CV-61353 |
| Reinhardt | Gary | 08-CV-92131 |
| Reinoehl | Donald | 08-CV-89460 |
| Riggs | Irving | 08-CV-91762 |
| Rogers | John | 08-CV-92167 |
| Sams | Phillip | 08-CV-88575 |
| Schlemer | Carl | 08-CV-89470 |
| Schroeder | Carl | 10-CV-64552 |
| Schuck | Walter | 08-CV-92205 |
| Seifert | William | 08-CV-92171 |
| Short | Johnnie | 08-CV-92164 |
| Smith | Orville | 10-CV-68104 |
| Smith | Ronald | 08-CV-90287 |
| Snyder | Ameses | 08-CV-92225 |
| Spangler | Herbert | 08-CV-91882 |
| Sprague | Billy | 08-CV-90112 |
| Stariha | William | 09-CV-64725 |
| Taylor | James | 08-CV-91881 |

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|-------------|----------|-------------|
| Thomas | Glendel | 08-CV-92206 |
| Thurman | Ernest | 08-CV-92188 |
| Tonarelli | Russell | 08-CV-91665 |
| Tovey | Robert | 08-CV-92133 |
| Walker | Clarence | 08-CV-92136 |
| Wallman | RJ | 08-CV-88587 |
| Ware | William | 08-CV-92159 |
| Waterstradt | Henry | 08-CV-92045 |
| Weber | Daniel | 08-CV-92132 |
| Wesley | Keith | 10-CV-64570 |
| White | Donald | 08-CV-92036 |
| Whiteman | Robert | 08-CV-92299 |
| Williams | Lloyd | 08-CV-91588 |
| Williamson | Henry | 08-CV-92169 |
| Williamson | Richard | 08-CV-91878 |
| Wilson | Merle | 08-CV-91879 |
| Winders | Berlie | 08-CV-92061 |
| Wittmeyer | Austin | 08-CV-91739 |
| Workman | John | 10-CV-68071 |

| Last Name | First Name | PA-ED Case # |
|------------|------------|--------------|
| Allen | Gary | 10-CV-67536 |
| Allen | Louis | 08-CV-90142 |
| Almeda | Trini | 08-CV-91698 |
| Amos | Excell | 08-CV-89998 |
| Andrews | Donald | 08-CV-90211 |
| Appelberg | Harold | 08-CV-90052 |
| Ardaugh | William | 08-CV-90066 |
| Arrington | William | 08-CV-90105 |
| Arseneault | Clovis | 10-CV-67621 |
| Bailey | Samuel | 08-CV-90153 |
| Ballard | Paul | 08-CV-89896 |
| Beavers | James | 08-CV-90177 |
| Bergstrom | Lester | 08-CV-89980 |
| Bey | George | 08-CV-89979 |
| Beyer | Harold | 08-CV-91894 |
| Block | John | 08-CV-91649 |
| Botka | William | 08-CV-89948 |
| Brant | Harold | 10-CV-67723 |
| Brewer | David | 08-CV-89954 |
| Briesacher | Edward | 09-CV-61874 |
| Brigham | George | 08-CV-89984 |
| Brookins | Henry | 08-CV-89810 |
| Bryan | William | 08-CV-89866 |
| Buchanan | Howard | 08-CV-92038 |
| Buchanan | Raymond | 08-CV-90327 |
| Bullis | Richard | 08-CV-90085 |
| Campo | Jack | 10-CV-67629 |
| Carlson | Neil | 10-CV-67533 |
| Carlson | Robert | 08-CV-89945 |
| Carmichael | James | 10-CV-67545 |
| Carnaghi | Richard | 08-CV-89952 |
| Carnegie | John | 08-CV-89958 |
| Case | Fred | 10-CV-67607 |
| Colombo | Richard | 10-CV-67538 |
| Cook | Jerry | 08-CV-89846 |
| Cooper | Larry | 08-CV-90330 |
| Costa | Frank | 08-CV-90053 |
| Cushing | George | 08-CV-89989 |
| Czajkoski | Walter | 08-CV-89969 |
| D'Amico | Carmen | 10-CV-67534 |
| D'Ottavio | Nello | 10-CV-67554 |

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|---------------|-----------|-------------|
| Daniels | Jimmie | 08-CV-92259 |
| Davis | James | 08-CV-90006 |
| De Witt | Elsie | 08-CV-90189 |
| Deangelis | Salvatore | 08-CV-89953 |
| DeLoach | Thomas | 08-CV-90144 |
| Denson | Willie | 08-CV-90178 |
| Dewbery | Jesse | 10-CV-67544 |
| Dougherty | Daniel | 08-CV-89847 |
| Doyle | Leo | 08-CV-90155 |
| Dubrovich | Frank | 10-CV-68108 |
| Dubrovich | John | 10-CV-67557 |
| Dumyahn | Gilbert | 08-CV-89899 |
| Dunn | Laura | 08-CV-90086 |
| Eagle | Kenneth | 10-CV-67559 |
| Economous | Jack | 08-CV-90017 |
| Ellena | Glenn | 09-CV-60947 |
| Ellis | Mae | 08-CV-90213 |
| Ellis | Robert | 08-CV-90093 |
| Elrod | Robert | 09-CV-60937 |
| Ely | Ernest | 09-CV-60938 |
| Engelman | Patrick | 09-CV-60939 |
| Evans | Jessie | 08-CV-90214 |
| Evol | Dandy | 10-CV-68909 |
| Ferguson | James | 08-CV-90234 |
| Ferrell | Paul | 08-CV-89885 |
| Fitzgerald | Charles | 08-CV-89817 |
| Flagg | Richard | 10-CV-67556 |
| Floyd | Elrie | 08-CV-89967 |
| Frangella | Russell | 09-CV-60944 |
| Frankenberger | Howard | 09-CV-61717 |
| Frattini | James | 09-CV-60945 |
| Gaddy | Bob | 08-CV-90106 |
| Gaddy | Clifford | 08-CV-90081 |
| Gavin | Carrie | 08-CV-90197 |
| Gehrke | David | 10-CV-67444 |
| Goessman | Lorene | 08-CV-89484 |
| Goins | Claude | 08-CV-88531 |
| Gorena | Eduardo | 10-CV-67535 |
| Graham | Lawrence | 09-CV-60952 |
| Graham | Marion | 08-CV-90139 |
| Granger | Elmer | 09-CV-60953 |
| Green | Ella | 08-CV-90129 |
| Grieff | Dale | 09-CV-60954 |

| | | |
|-------------|-----------|-------------|
| Gunther | Robert | 08-CV-91738 |
| Gusman | Emilio | 09-CV-60956 |
| Halweg | Gordon | 10-CV-67552 |
| Hamerla | John | 08-CV-90208 |
| Harris | Rosella | 08-CV-90135 |
| Haskins | Harold | 08-CV-89819 |
| Hester | Billie | 08-CV-90072 |
| Hickey | Elmer | 08-CV-90038 |
| Hollins | Willie | 08-CV-90201 |
| Holloway | Fred | 09-CV-61721 |
| Hood | Marsha | 08-CV-90936 |
| Hosey | Novella | 08-CV-90194 |
| Hunt | Richard | 10-CV-68075 |
| Hurston | Herman | 09-CV-61793 |
| Jackson | John | 09-CV-61722 |
| Jackson | Robert | 10-CV-67541 |
| Janes | Jerry | 08-CV-89995 |
| Jasinski | Richard | 09-CV-60007 |
| Johnson | Felix | 08-CV-90020 |
| Johnson | James | 08-CV-90156 |
| Johnson | Richard | 08-CV-89822 |
| Joyce | Michael | 09-CV-60961 |
| Junior | Sylvester | 08-CV-90210 |
| Kappas | Jim | 08-CV-90163 |
| Kelley | Howard | 10-CV-67555 |
| Kelly | Ollie | 10-CV-67546 |
| Kinnary | Toivo | 08-CV-90173 |
| Klimek | David | 08-CV-90065 |
| Kocur | John | 09-CV-61725 |
| Kupina | Anton | 08-CV-90207 |
| Landers | Ronald | 08-CV-92185 |
| Lauzon | John | 08-CV-89974 |
| Levandowski | Jerome | 08-CV-89870 |
| Malone | Clifford | 10-CV-68124 |
| Martin | Bennie | 10-CV-67550 |
| Maske | Frederick | 08-CV-90102 |
| Mathews | Clifford | 09-CV-64758 |
| McCarthy | Daniel | 08-CV-89991 |
| McClain | Wallace | 08-CV-89814 |
| McCullum | Roosevelt | 08-CV-89883 |
| Menozi | Eugene | 08-CV-89865 |
| Metros | Roy | 09-CV-61883 |

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|------------|-----------|-------------|
| Miller | Albert | 08-CV-90074 |
| Minnick | Glenn | 08-CV-90096 |
| Mitchell | Arthur | 10-CV-67654 |
| Moffett | Charlie | 08-CV-89987 |
| Moffett | George | 08-CV-89973 |
| Moffett | Jacob | 08-CV-90143 |
| Moffett | Leon | 08-CV-90075 |
| Moody | Charles | 08-CV-90116 |
| Moore | James | 08-CV-90069 |
| Moore | Robert | 08-CV-90032 |
| Moore | Ulish | 08-CV-89813 |
| Muffler | William | 08-CV-89976 |
| Nehlsen | Michael | 08-CV-91893 |
| Nichols | John | 08-CV-90185 |
| Norberg | Earl | 08-CV-90264 |
| Norberg | Howard | 10-CV-67537 |
| Nurczyk | John | 08-CV-89879 |
| Odom | Deward | 08-CV-90187 |
| Ongenae | Terry | 10-CV-67551 |
| Otto | Thomas | 08-CV-89369 |
| Patrick | Carolyn | 08-CV-90221 |
| Pauley | Donald | 08-CV-90134 |
| Payne | Lynn | 08-CV-92307 |
| Person | Arthur | 08-CV-90157 |
| Person | Ethel | 08-CV-90227 |
| Pomykala | Joseph | 08-CV-89999 |
| Pray | Frankie | 08-CV-91884 |
| Redar | Roy | 08-CV-91429 |
| Richards | Aloysious | 08-CV-90180 |
| Richardson | Eleanore | 10-CV-67553 |
| Richardson | Robert | 10-CV-68113 |
| Roberson | Freddie | 08-CV-90080 |
| Romanetto | Gary | 08-CV-90048 |
| Rome | Douglas | 08-CV-89825 |
| Ruesken | Louis | 09-CV-61820 |
| Rupslauk | Richard | 08-CV-89850 |
| Ryan | Michael | 08-CV-90172 |
| Ryan | Michael | 11-CV-66747 |
| Santerelli | Gerald | 09-CV-60962 |
| Scott | Edward | 10-CV-67682 |
| Scott | Henry | 08-CV-90114 |
| Scott | Thomas | 08-CV-91314 |
| Scrogham | Donald | 08-CV-90002 |

| | | |
|------------|------------|-------------|
| Shambaugh | Burton | 08-CV-90331 |
| Shearer | Kenneth | 08-CV-91430 |
| Sheets | Gerrold | 09-CV-61887 |
| Shelby | Quincy | 08-CV-90057 |
| Shields | James | 08-CV-89829 |
| Siefert | Raymond | 08-CV-90198 |
| Silakowski | Gerald | 09-CV-60967 |
| Smith | Dale | 08-CV-91717 |
| Smith | Larry | 10-CV-68072 |
| Smith | Leo | 08-CV-90276 |
| Smith | Russell | 10-CV-68123 |
| Sperber | Ernest | 08-CV-91942 |
| Stahly | Robert | 09-CV-60968 |
| Studer | Bernard | 09-CV-60971 |
| Studer | Earl | 09-CV-60972 |
| Sullivan | Patrick | 09-CV-61811 |
| Swango | James | 08-CV-90101 |
| Terlep | Robert | 09-CV-60974 |
| Travis | Jim | 08-CV-90170 |
| Travis | Mikel Kent | 08-CV-89843 |
| Tryon | Robert | 10-CV-68972 |
| Van Dolah | Vernon | 08-CV-91880 |
| Waddell | Earl | 08-CV-90160 |
| Wheaton | John | 08-CV-89990 |
| White | Shirley | 08-CV-90171 |
| White | Thomas | 08-CV-89871 |
| Williams | Bruce | 08-CV-91282 |
| Williams | Eddie | 08-CV-90000 |
| Wilson | Irvin | 08-CV-90339 |
| Woods | James | 08-CV-89965 |
| Wright | Elmer | 08-CV-90199 |
| Wright | Joseph | 08-CV-90161 |
| Zwanzig | William | 08-CV-90270 |

| Last | First | PA-ED Case # |
|-----------|---------|--------------|
| Wright | Deon | 11-CV-66748 |
| Krik | Charles | 08-CV-91296 |
| Krik | Charles | 11-CV-63473 |
| Gehrt | Paul | 08-CV-92066 |
| Goeken | Marion | 10-CV-68122 |
| Dillman | Cecil | 08-CV-91767 |
| Pleaugh | Joseph | 11-CV-63519 |
| Bushmaker | Gerald | 10-CV-61116 |
| Anderson | Lloyd | 11-CV-63482 |
| Kinser | Larry | 08-CV-92034 |

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ASBESTOS PRODUCTS LIABILITY
LITIGATION (NO. VI)

This document relates to:
Cascino Vaughan Law Offices cases in the
"First 10 cases," "CVLO-1" and "CVLO-2)
groups (see Exhibit A)

Civil Action No. MDL 875

Plaintiffs' Motion and Memorandum for Leave to Take the Deposition of Arthur Kleinrath

Plaintiffs move this court for an order allowing the deposition Arthur Kleinrath to be taken in the CVLO First Ten, CVLO-1 and CVLO-2 groups of cases and for other relief set forth below.

In support of this motion, plaintiffs state as follows.

1. Mr. Kleinrath is a degreed engineer with an MBA who worked for Commonwealth Edison for over 40 years in the construction of power plants and ultimately became the manager of all new construction for the company. He is now 85 years old and retired.
2. Plaintiffs' counsel retained Mr. Kleinrath in approximately late May of 2011 as a paid consultant for CVLO cases in MDL 875 to provide both lay and expert testimony.
3. The deposition of Mr. Kleinrath was originally noticed by plaintiffs for July 6, 2011. The notice was quashed by the court after objections were made by counsel for Commonwealth Edison based on their role as counsel representing Mr. Kleinrath.
4. Plaintiffs' counsel and counsel for ComEd have held extensive discussions about Mr. Kleinrath and have reached agreements resolving most of the disputes regarding his

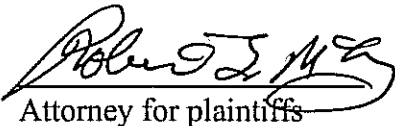
testimony and testimony preparation. Mr. Kleinrath will testify and be paid \$100 for his time by plaintiffs' counsel.

5. After good faith attempts to resolve the dispute, the only issue unresolved is setting a date certain for the testimony of Mr. Kleinrath. Plaintiffs' counsel requested a date before October 15, 2011, subject to approval by order of this court about use of the testimony. Plaintiffs only intended to depose Mr. Kleinrath based on his recollection and not based on documents since Mr. Kleinrath has no documents. Commonwealth Edison has requested a longer time period for Mr. Kleinrath to review documents in the possession of ComEd. Plaintiffs also agreed that Mr. Kleinrath's testimony will not be offered against ComEd as a defendants.
6. As currently agreed at the request of ComEd's counsel, the subject of Mr. Kleinrath's testimony at the first deposition will pertain to certain plants. The remaining plants will require a second day of deposition. The parties also agreed that plaintiffs' counsel can meet or discuss matters with Mr. Kleinrath in the presence of counsel for ComEd in order to prepare for his testimony.
 - a. Since fact discovery closed September 1, 2011, Plaintiffs request Mr. Kleinrath's testimony be permitted as to the First Ten cases due to the inability to complete the arrangements for the testimony until the matters in dispute with ComEd's counsel had been resolved
7. Portions of Mr. Kleinrath's testimony may be expert opinions for which a Rule 26(a) report will be prepared. Due to the age of Mr. Kleinrath, to preserve his testimony, and limit the need for further depositions, plaintiffs will complete both the expert and nonexpert testimony at the same time.

Relief requested

8. Plaintiff requests a court order that Mr. Kleinrath be produced for deposition in the first group of job sites before October 15, 2011, and for the second group of job sites before November 15, 2011.
9. Plaintiff also requests the following:
 - a. An order allowing the testimony to be taken in the First Ten cases in addition to other CVLO MDL 875 cases which are open for discovery under the scheduling orders.
 - b. An order that Mr. Kleinrath's expert testimony should be completed at the same time as his fact witness testimony.

Dated: September 22, 2011



Attorney for plaintiffs

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ASBESTOS PRODUCTS LIABILITY
LITIGATION (NO. VI)

This document relates to:
Cascino Vaughan Law Offices cases in the
"First 10 cases," "CVLO-1" and "CVLO-2)
groups (see Exhibit A)

Civil Action No. MDL 875

Order

This matter coming for decision on Plaintiffs' Motion and Memorandum for Leave to

Take the Deposition of Arthur Kleinrath, the court orders the following:

1. Arthur Kleinrath is to be produced for deposition on or before October 15, 2011.
2. Mr. Kleinrath is to be produced for a second deposition on or before November 15, 2011.
3. Mr. Kleinrath's testimony may be taken in the First Ten cases in addition to other CVLO MDL 875 cases which are open for discovery under the scheduling orders.
4. Mr. Kleinrath's expert testimony should be completed at the same time as his fact witness testimony.

Entered:

U.S. Magistrate Judge David Strawbridge

Date: _____

Prepared by counsel for plaintiffs
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